PANEL OF CHAIRMAN.

PRESIDENT: Under Rule 3 (2) of the Travancore Legislative Rules I have at the commencement of every session of the Assembly to nominate from amongst the members of the Assembly a panel of not more than two Chairmen to preside over the Assembly in the absence of the President or the Deputy President. In accordance with that Rule, I nominate Mr. S. Krishna Aiyar and Mr. K. G. Kunjukrishna Pillai as the Panel of Chairman for this session of the Assembly.

LEGISLATIVE BUSINESS.

Addition of a member to the Select Commitee on the Travancore Workmen's Compensation Bill.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I beg to move that Dr. (Mrs.) Poonen Lukose be nominated as a member of the Select Committee on the Travancore Workmen's Compensation Bill in the place of Dr. James Simpson. This motion is made because Dr. Simpson has ceased to be a member of the Select Committee to which he was nominated at the last session. This motion is made in order that the Select Committee may proceed with their deliberations and report on the Workmen's Compensation Bill.

MR. A. GOPALA MENON: I second it.

PRESIDENT: The motion is moved and seconded. Now the addition of the name will be made.

Addition of a member to the Select Committee on the Travancore Medical Registration Bill.

MR. PUTHUPALLI S. KRISHNA PILLAI: I beg to move that Dr. (Mrs.) Poonen Lukose be nominated as a member of the Select Committee on the Travancore Medical Registration Bill. Even though some members have been nominated to this Committee, unfortunately an omission was made in not nominating the Surgeon-General as a member of the Committee. It strikes me that the Surgeon-General should also be a member of the Select Committee. Hence this motion is made in order that the Committee may proceed with their work and report on the Travancore Medical Registration Bill.

MR. A. GOPALA MENON: I second it.

The motion was put and carried.

The addition of the name will now be made.

THE TRAVANCORE FACTORIES BILL.

Clause 2.

PRESIDENT: I find from the last proceedings that amendments Nos. 10, 12 and 13 had been made and debated on. The Law Member had also replied on those amendments.

MR. PUTHUPALLI S. KRISHNA PILLAI: I beg to submit one point. Since Mr. T. P. Velayudhan Pillai said that he was not moving his amendment No. 11 the House was debating during the last occasion on amendments Nos. 10, 12, 13 and 20. They were discussed and the

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Law Member who was then in charge of the Bill replied to the various arguments advanced by the various movers. We are now at the definition of the word 'factory'. There are two propositions involved in the amendment, One is whether a factory not using power should also be included within the definition of factory. The other relates to the minimum number of persons employed in a factory. There was some discussion on these points. If any honourable member desires to speak, I shall reserve my comments so that I may wind up the debate.

PRESIDENT: The clauses are now open to discussion.

MR. PUTHUPALLI S. KRISHNA PILLAI: In addition to what the Law Member stated on the previous occasion I may be permitted to speak a few words. The honourable members might well know that our Factories Bill has been drawn up on the lines of the Factories Act now in force in British India. Since the introduction of this Bill in this House, the same measure was introduced in other Indian States, especially in Cochin and Mysore. I find, by a comparative study of the Factories Regulation enacted in Cochin that there is absolutely no difference between that and the British Indian Factories Act. On a careful and close scrutiny of the Royal Commission Report on Labour I have to observe that it is always inadvisable and detrimental to the interests of the legislating countries if any disparity, in labour countries is effected by legislation. It is only in gradual stages that we can bring about the progress made elsewhere. What is found good for the United States or England may not be good for us, could not be made applicable to the conditions obtaining in our country. Any disparity in the law of two adjoining countries will affect the industry and thereby the material prosperity of one or other of the two countries. It has also been pointed out, that legislation in regard to this matter must be uniform. There should be no difference between legislation obtaining in British India and in the Indian States. For instance, if the restrictions and control of labour in Travancore are different from those in other parts of India, the natural laws governing all industries will operate adversely against the country with greater restrictions. For clarifying matters, I shall read one sentence from the Report of the Royal Commission.

> "In making our proposals we have had to recognise that it would be a poor service to labour and the country so to raise standards in one part of India as to drive industry into another part where standards are lower."

We have to bear in mind that Travancore in respect of labour legislation is not an isolated country, but that it forms part of the entire India. As far as possible legislation on this matter should be uniform. We cannot make a serious departure from the law that is in force in British India. If that principle is borne in mind, the honourable members will see that the present amendments cannot be accepted. In the definition of 'factory' the number of persons is put down as 20. It comprises only premises where manufacture is made with the aid of power. The amendments propose to bring in factories where even 10 are employed. They further propose to bring in

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[Puthupalli Mr. S. Krishna Pillai.]

factories which do not use power. That, I point out will be a serious change from the law now obtaining in British India and other Indian States. In British India and other Indian States factories employing 20 or more are alone sought to be regulated, and there too only if power is used. Under clause 5 of this Bills any step in advance could be effected. So we shall not be justified in advancing beyond the principles accepted by the legislatures in British India and other Indian States in respect of labour legislation.

My submission with regard to that is that as stated by the Royal Commission it will be a poor service to labour and the country to so raise the standard in one part of India as to drive industry into another part where the standard is lower. We would all agree on this matter that our industries are not as developed as the industries of our neighbouring countries. They are still in their infancy and we ought to so regulate, nurture or develop them as to enable them to come to the forefront and be on a par with the other industrial concerns in the neighbouring areas. It has always been said as another criterion for laying down labour laws that the policy of gradualness should be borne in mind. That has always been the policy with regard to labour legislation all over the world and the Royal Commission has recommended that wherever legislation is introduced the principle of gradualness must be carefully borne in mind. This is what they say :—

"This brief outline of the history of certain features of factory legislation in India shows that from the beginning the principle of factory legislation here, as in other countries, has been gradually to extend the area of protection afforded to the industrially employed worker. This principle has been effected in three ways, by regulations affecting specific classes of workers, by regulations affecting specific classes of establishment and by powers given to local governments to include under such regulations smaller places of a similar kind. The value of a policy of gradualness has been clearly demonstrated in the history of factory legislation in India in the past and the dictates of common sense and practicability confirm us in the belief that the same policy should continue to actuate future developments in India".

If it is a case of gradualness, or gradually developing the factory law, I would invite the attention of the honourable members to the provision contained in sub-clause (3) (j) of clause 1 itself. Under the existing Factory Regulation, only a work house which employs 50, or more persons comes within the definition of a factory. We have changed it and brought the number down to 20. In regard to the power to treat or declare a factory as such under the existing Regulation, the number prescribed is 20. In the Bill under clause 5, it has been reduced to 10. Honourable members will therefore find that that is the progressive step which we have attempted in introducing this labour legislation in the State, and it has been stated and unanimously acknowledged that vast and drastic changes should not be attempted all on a sudden. It will not be in the interest of labour or industry that such vast changes

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are introduced. In this case the example of what has been done in Cochin and British India may well be followed. The Cochin Regulation was passed only this year as Regulation II of 1113. In Mysore it is Regulation I of 1936. They are almost similar to the Factories Act of British India, XXV of 1934. One point which appears to weigh with honourable members in moving these various amendments is their experience of what they find around them in one class of work houses —the cashew nut factories. It is that I believe that has prompted many of the honourable members to move the various amendments that have been tabled here for discussion.

MR. E. P. VARUGHESE: Will this definition include the coir factories?

MR. PUTHUPALLY S. KRISHNA PILLAI: The definition does not include factories which do not use power. Clause 5 enables Government to declare as factories work houses which do not use power and which employ 10 or more persons. It has no reference to the class or kind of work carried on there. There is no question about it. Under the definition of factories we would include only factories using power and where 20 or more people are employed. Nothing else will be included except when it is brought in by a notification under clause 5 by virtue of the powers conferred on Government. That is the law in British India, that is the law in Cochin, that is the law in Mysore and that law has been recommended for the whole of India. Shall we, merely for the sake of an ideal which it is our aim to reach, say that because in the United States of America the number of persons employed in a factory is not restricted, Travancore should not have any restriction, or that the restriction should be extended so as to bring in factories employing say 10 or 5? Is it consistent with our interest to say that we shall include factories which do not use power at all? That is the point that has to be considered. Many of us have experience of factory work, but what has been recommended for the whole of India by an expert committee like the Royal Commission, and adopted by the agreements arrived at in various places, for instance, at Washington and Geneva, that India has to be treated on a different footing from other countries of the world, that she could not for the sake of an ideal alone be compelled to step in and take rank with other industrially advanced countries should not be ignored.

MR. C. JEBAMONY NADAR: May I know whether the Royal Commission has visited Travancore?

MR. PUTHUPALLY S. KRISHNA PILLAI: They have not visited Travancore, nor had they the good fortune to do that. They have prepared the report after getting statements from various centres. They have considered the position of labour in Indian States as well. During their travels in British India they must have passed through other Indian States. They must have considered the case of Mysore and other Indian States. Let us take the case of Cochin and compare it with Travancore. Let us take the case of British India and compare it with Travancore. Are we entitled to say that we ought to be put on a different footing from them? Experts have approved of the gradualness of

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[Mr. Puthupalli S. Krishna Pillai.]

this step. They have certified that there must be some difference between the law which will be good for India and the law which is recognised for the European countries. This is a practical suggestion and it is for the honourable members who represent the labourers to consider, whether we should have a law different from the law obtaining in the remaining parts of India. I do not refer to Japan or China, but only to India.

One other point which I would like to bring to the notice of the honourable members is this. As I said, one matter which weighed with the honourable members appears to be that there are large number of cashewnut factories where employment of children prevails on a large scale, where sanitary conditions are not up to the mark; and where proper care is not taken of the labourers. I bestowed some attention upon this question and have been able to find out that there are 38 cashewnut factories working in Travancore. All of them employ manual labour and there is no power used in any of these factories. It is not possible to collect the exact number of hands employed in them.

MR. V. K. VELAYUDHAN (*Ambalapuzha cum Shertala*): May I know the number of people employed in these factories?

MR. PUTHUPALLI S. KRISHNA PILLAI: I myself cannot vouch for the accuracy of the figures. I may say that the information can be obtained from the State Directory.

MR. V. K. VELAYUDHAN: May I know whether in those factories the employment consist mostly of women and children?

MR. PUTHUPALLY S. KRISHNA PILLAI: Nearly 80 per cent. of them are women and children and males are employed only to a small extent. That is what I am coming to. It is that special fact which has weighed with most of the honourable members in moving these amendments. Cashewnut factories stand on a different footing. They are a peculiar feature of Travancore labour. As observed by the Law Member it may be treated as an exception. In that case the amendment proposed by Mr. T. P. Velayudhan Pillai, amendment No. 20, will be in order. I would ask them just to consider whether that amendment will not satisfy them.

"notwithstanding anything contained herein, any premises including the precincts thereof whereon 20 or more workers are working, or were working on any day of the preceding 12 months, in any part of which any manufacturing process in respect of cashewnuts is being carried on whether with or without the aid of power, shall be deemed to be a factory."

The number 20 has been changed into 50 and for all practical purposes if that is the paramount idea which weighs with the honourable members, my submission is that that amendment may be considered. There are various defects in the other amendments.

MR. E. P. VARUGHESE: May I know whether the cashewnut factories can be brought under section 5?

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MR. PUTHUPALLI S. KRISHNA PILLAI: Yes, cashewnut factories can be brought under section 5 and Government have the power to declare them as factories. One distinction in allowing these factories to be dealt with under Section 5 is this. In regard to those factories certain sections alone of the Regulation may be made applicable. If members want to bring cashewnut factories within the definition of factories, then automatically all the provisions of the Regulation come into operation. But if they are brought within clause 5, all the sections need not automatically become applicable. In regard to this matter the Royal Commission has recommended that where manual labour is employed and where no power is utilised for the purpose of manufacturing processes the Regulation that ought to govern them should not be the Factories Act but something different. In those cases they have recommended regulation only where more than 50 people are employed. In respect of adult labour, hours of work, restrictions on female workers, the age at which children could be admitted, etc., they have recommended that there must be some slight difference, because conditions obtaining in factories where power is not utilised are entirely different from conditions obtaining in factories where power is used. Therefore they recommend that those factories should have a different treatment. We are interested not in killing or annihilating a particular industry but in so regulating it as to enable it to improve and increase in prosperity. Those factories exist not for the interest of the owners alone but for that of the labourers also. Without these factories how would it be possible for them to earn three or four chuckrams per day? Honourable members are interested in seeing that these persons are enabled to earn their wages without detriment to their health, their education and their high ideals. Our idea is to so regulate work as to enable labour by slow progress, to acquire all the privileges which are being enjoyed by labourers in other industrially advanced parts of the world. There must be a distinction between the factories which use power and our cashewnut factories which do not use power. The questions of child and adult labour, health and sanitation, relating to cashew-nut factories are entirely different from those relating to other factories which use power. Immediately the definition of Factory includes cashewnut factories also, they are brought within the grips of the Regulation. I fully agree with the honourable members that the work that is being carried on in the cashewnut factories is of a dangerous nature. Adequate rules may be framed so as to remedy this evil. There is ample provision for that in the Regulation. Honourable members will have to consider these points also.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: May I know whether the Royal Commission in British India had the opportunity or the necessity to consider the question of the inclusion of the cashewnut factories?

MR. PUTHUPALLI S. KRISHNA PILLAI: No, Sir. Probably cashewnut factories were not in existence in those days, or at any rate, I do not find from their report that they had occasion to deal with such factories.

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MR. PULIYOOR T. P. VELAYUDHAN PILLAI: May I know whether here is any cashewnut factory in British India?

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes, on the west coast there are many.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: May I know whether the honourable member is aware of the opinion expressed by Honourable Mr. V. V. Giri when he visited Travancore that special statutes should be provided to give protection to labour employed in cashewnut factories.

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes, I am aware. That is exactly my point in saying that no ordinary and general protection would serve the purpose and that special laws should be framed in respect of cashewnut factories. All the sections and all the rules of the regulation, and all the principles involved in this regulation cannot be applied to such factories as cashewnut factories. It is for the honourable members to consider whether such very rigorous laws should be made in regard to cashewnut factories or whether only a few of them or some of them in a modified form should be made to apply. It is for the honourable members to consider whether it is not better to allow Government to consider them under Clause 5 and specify which section or sections of this enactment should be made applicable to such factories. The honourable members have abundantly made it clear that the exisiting conditions in cashewnut factories require many improvements and Government themselves have been made aware of these conditions and I may state that they will neither delay nor hesitate in satisfactorily dealing with the question.

But this much must be conceded. All that is good for a factory using power will not be good for cashewnut factories even when they do not use power. So the Regulations which govern the factories which use power should not be modified with a view to affect the cashewnut factories. It ought to be our endeavour to find out those pertinent sections which may be applied to cashewnut factories. My submission is that it would be better if Government are allowed to deal with this under Clause 5.

MR. KOTTALIL P. ABRAHAM: May I know whether any fresh interpretation is necessary for the cashewnut factories?

MR. PUTHUPALLI S. KRISHNA PILLAI: Government can use clause 5 of the Bill and if necessary they may frame rules specially adapted to deal with them and also to lay down that only particular sections may be made applicable. It can be settled only after some enquiry.

My submission in regard to other amendments is that the honourable members should reconsider the position they have taken in regard to the proposals they have made. Our requirements and conditions do not justify such a definition and when the other questions are taken up we should also see that we move on a line with the British Indian enactments. Until that time honourable members must feel convinced that the other amendments proposed here do not justify, on their merits

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or on their practical utility, inclusion in our Regulation. I would therefore request honourable members to reconsider the position that they have taken in moving these amendments. I do not propose to deal separately with the various amendments proposed. Most of them are vague and inaccurate and should not be recommended as a definition to take its place along with other definitions in the section. The Law Member has adequately dealt with them. This, Sir, is all that I have to submit at present. I earnestly request honourable members to consider whether there should be any material alterations from the provisions contained in the Bill.

DEPUTY PRESIDENT : I will now put these amendments to vote.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI : Sir, I would suggest that amendment No 20 be put to the vote first.

DEPUTY PRESIDENT : There is nothing on record here to show that amendment No. 20 has been moved.

Therefore I now put amendment No. 10 to the vote.

AMENDMENT No. 10.

In Clause 2, substitute the following for sub-clause (*j*)

"Whereon twenty or more workers are working or were working on any day of the preceding twelve months or in any part of which a manufacturing process is being carried on with the aid of power or is ordinarily so carried on.

(ii) Whereon 100 or more workers are working or were working on any of the preceding twelve months and in any part of which any manufacturing process is being carried on even though it be without the aid of power but does not include a mine subject to the operations of the Travancore Mines and Minerals Regulation."

The amendment was put to the vote of the House and lost.

Amendment No. 11 was not moved.

AMENDMENT No. 12.

MR. K. NARAYANAPERUMAL NADAR :

In clause 2 substitute the following for sub-clause (*j*).

(*j*) "Factory" means any premises including the precincts thereof :

(*a*) whereon twenty or more workers are working on any day of the preceding twelve months and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on ;

or

(*b*) whereon fifty or more workers are working or were working on any day of the preceding to .welve months and in any part of which a manufacturing process with coir yarn or cashewnut is being carried on even though it be without the aid of power but does not include a mine subject to the operation of the Travancore Mines and Minerals Regulation ;

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[Mr. K. Narayanaperumal Nadar].

or

(c) Whereon 1,000 or more workers are working or were working on any day of the preceding twelve months and in any part of which, a manufacturing process with tea-leaf is being carried on, even though it be without the aid of power but does not include a mine subject to the operation of the Travancore Mines and Minerals Regulation".

The motion was put to the vote of the House and lost.

AMENDMENT No. 13.

MR. KANNARA GOPALA PANICKER:

In clause 2, substitute the following for sub-clause (j) ;

(j) "Factory means any premises including the precients thereof.

(a) whereon ten or more workers are working or were working on any day of the preceding ten months and in any part of which a manufacturing process is carried on with the aid of power or is ordinarily so carried on, or

(b) whereon 20 or more workers are working on any of the preceding 12 months in any part of which a manufacturing process with coir yarn or cashewnut is being carried on even though it be without the aid of power but does not include a mine, subject to the operation of the Travancore Mines and Minerals Regulation".

The motion was put to the vote of the House and lost.

AMENDMENT No. 20.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI:

In clause 2, after sub-clause (j), and before sub-clause (k) insert the following :

"Notwithstanding anything contained herein, any premises including the precincts thereof whereon 20 or more workers are working or were working on any day of the preceding 12 months and in any part of which any manufacturing process in respect of cashewnuts is being carried on whether with or without the aid of power, shall be deemed to be a factory".

The amendment was put to the vote of the House and lost.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: Sir, I demand a poll

A poll was taken and the House divided as follows :

AYES—16.

1 Mr. K. Kesavan
2 ,, P. K. Kumaran
3 Sahib Bahadur P. K. Kunju
4 Mr. P. Kunjukrishnan
5 ,, M. G. Mathew
6 ,, P. Nanoo
7 ,, K. Narayanaperumal Nadar
8 ,, K. R. Narayanan
9 Mr. G. P. Nilakanta Pillai
10 ,, J. E. A. Pereira
11 ,, A. Thanu Pillai
12 ,, K. T. Thomas
13 ,, T. M. Varughese
14 ,, V. K. Velayudhan
15 ,, Puliyoor T. P. Velayudhan Pillai
16 Sry. C. O. Ponnamma

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NOES—19.

1 Mr. P. C. Adichan	10 Mr. C. Kumara Das
2 Sahib Bahadur V. Chandamiah	11 ,, C. O. Madhavan
3 Srimati K. Devaki Antharjanam	12 ,, K. Madhava Kurup
4 Mr. D. Francis	13 ,, A. Gopala Menon
5 ,, K. George	14 Srimati T. Narayani Amma
6 ,, M. L. Janardana Pillai	15 Mr. Puthupalli S. Krishna Pillai
7 ,, N John Joseph	16 ,, M. Ramachandra Rao
8 ,, K. C. Karunakaran	17 ,, K. J. Cheriyan
9 ,, T. T. Kesavan Sastri	18 ,, M. Govinda Pillai
	19 Dr. (Mrs.) Poonen Lukose

NEUTRALS—11.

1 Mr. Kottalil P. Abraham	7 Mr. P. V. Mathai Chemparathy
2 ,, E. E. Pandarathil	8 ,, Kainikkara M. Padmanabha Pillai
3 ,, C. Jebamony Nadar	9 ,, Codivcetil C. Ramankunju
4 ,, M. Kesava Panickar	10 ,, M. Sivathanu Pillai
5 ,, K. P. Kochukora Tharakan	11 ,, P. Narayana Pillai
6 ,, S. Krishna Aiyar	

The amendment was declared lost, 16 voting for 19 against and word 11 remaining neutral.

AMENDMENT No. 14.

MR. K. NARAYANAPERUMAL NADAR: Sir, I beg to move that in clause 2, sub-clause (j), line 1, the word "ten" be substituted for the "twenty".

Sir, in regard to the definition of factory I had tabled two amendments. One is already lost and if the other is also lost, I am sure that the very object of the bill would be defeated. The object of the bill is to give more relief to the workers. This can be done by increasing the scope of the bill by reducing the number of employees from 20 to 10 or more. And moreover if the workers of various factories are doing a similar kind of work and are exposed to the same danger I do not think there is anything justifiable for keeping any distinction in the number of hands employed. Therefore the number 20 should be reduced to 10. One of the objections raised against reducing the number is to eliminate small factories on the reason that it would be placing additional expenditure for the owners. But if we correctly understand the problem we will be able to come to this conclusion. The question of expense with regard to a small factory should not be considered at all as they also employ human agency and power. The danger to life is the same to both to small and big factories if they use power. Therefore my submission is that these small factories also must be included in the scope of the term "factory".

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[Mr. K. Narayanaperumal Nadar.]

Another objection raised against this amendment is that small cottage industries of our State will be adversely affected if the amendment is accepted and included in the provision. But, Sir, nearly 90 per cent. of the factories in the land are concerned with cottage industries or rather cottage factories and most of them do not use power. Therefore if my amendment is accepted, those industries will not be affected at all and thus it could be seen that there is no force in this objection.

Sir, one word more about progressive legislation. There is an attempt at present in all countries to extend the scope of the Factory Regulation. From the newspapers we see that in Bombay there is an attempt to amend the existing Factory Regulation to this effect that every factory which is employing ten or more men and using power should be included within the definition of "Factory". So that, it can be seen that everywhere there is a drift towards this direction, that is for giving more relief to the workers.

Then again, the conditions of our factories at Quilon and Alleppey are very hopeless. I was asked to preside over a public meeting at Alleppey a few month's back.

MR. E. P. VARUGHESE: Are there cashewnut factories in Alleppey?

MR. K. NARAYANAPERUMAL NADAR: Sir, I said that in Quilon and Alleppey, the conditions of of factories are very miserable. So some such amendment is absolutely necessary. Moreover, if a meeting is conducted in a particular place with a view to ventilate the grievances of the labourers or a demonstration is made, the District Magistrate issues an order of prohibition.

DEPUTY PRESIDENT: Order, order. How is it relevant to the context?

MR. K. NARAYANAPERUMAL NADAR: Sir, I was referring to this only by way of developing my argument. Therefore it seems to me that it has got some relevancy. But if the Chair does not allow me to refer to that, I instantaneously obey the Chair. My point is that these orders of prohibition by the District Magistrates are quite unnecessary and irrelevant. With these words I commend this amendment for the acceptance of the House.

MR. P. K. KUNJU: I second it.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I oppose the amendment. I have at great length explained my position in respect to amendments proposed by the House relating to the provisions of the Bill as recommended by the Select Committee and what may be the standard or the acceptable line of proposal advisable under the existing circumstances. One of the main points that I dealt with was about the principle contained in the definition of factories comprehending only factories which employ 20 or more workers.

Mr. Nadar seems to think that if the number is reduced to 10 the District Magistrates will not hereafter exercise their jurisdiction under

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Section 127 of the Criminal Procedure Code. I do not know how this amendment can abrogate the provisions of the Criminal Procedure Code.

The point to be considered is whether from the rule which now exists, that is, that a factory will come within the Factories Regulation if only 50 or more people are employed in it at a time we should be satisfied with the next proposal to bring within its scope factories which employ twenty or more. What a big advance is there in the proposal now made! From 50 to 20, there is a reduction of the number by thirty. This House will thereafter, by enacting clause 5, be conferring further power on Government to bring within the statute in appropriate cases factories which employ even ten workers—It cannot be denied that it is the preliminary step towards Mr. Nadar's suggested ten. Why should he pitch upon the number ten as opposed to 20 ? Is there any particular charm in that number. Why he did not suggest nine or, for that matter, any smaller number.

MR. K. NARAYANAPERUMAL NADAR : Did I not increase the scope of the Bill by reducing the number from twenty to ten.

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes, but why should it be limited to ten ; why not the number suggested be five ?

MR. V. K. VELAYUDHAN : What is the charm in the number twenty?

MR. PUTHUPALLI S. KRISHNA PILLAI : That is because experts whose ability in this matter cannot be questioned have recommended that it is the next step in the liberal labour legislation for India, to bring into existence a statute relating to factories which will regulate factories employing twenty or more persons. The number, so to say, is certified.

MR. K. NARAYANAPERUMAL NADAR : May I know why we cannot increase the number to 25 or 30 ?

MR. PUTHUPALLI S. KRISHNA PILLAI : In regard to the factories which use power, I request the honourable member to read the Whitely Commission Report. Persons of international reputation who constituted the commission have stated in unequivocal terms that it is not so. Their statement amounts to this :— "Let us take the next step to reduce the number to twenty." In regard to other factories which use power and employ ten or more, but below 20 they have recommended that only a few sections may be made applicable. There is unanimity of public opinion on the first, but in regard to the second, further investigation was conducted, mill owner's opinions have been called for and views of the supporters of labour ascertained. It was then decided, as a first step in advance, that we might legislate a factory law so that it might be applicable to factories which employ 20 or more persons and that in regard to those employing ten or more it was sufficient under the existing conditions of industry and labour to grant power to local Governments to deal with those factories. We have taken a similar line to deal with factories employing ten. The point is this. It should not be said that it is a haphazard figure that is given in the definition.

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[Mr. Puthupalli S. Krishna Pillai.]

There is reason for limiting the number to twenty. Experts are of the opinion that in a factory which employs twenty or more.....

MR. K. NARAYANAPERUMAL NADAR: May I know the name of the experts ?

MR. PUTHUPALLI S. KRISHNA PILLAI: The member may read the Whitely Commission Report. It will give him any number of names. I am only giving those facts which have apparently escaped the notice of the honourable member. Even the Indian Year Book will give him a hundred names.

Sir, I was stating that there was a well-founded reason for limiting the number to 20. That is a first step. A factory which employs 20 uses more power than a factory which employs only ten. The dangers attendant on work in a factory which employs ten are not so great as the possible danger attendant on workers in a factory employing twenty. The expediency of relating factories employing less than 20 is not as pressing and as obvious as the cases of factories employing more than twenty. The amount of power used, the kind of manufacture carried on, the prevailing labour conditions and the necessity to prevent the dangers arising from a measure of this type were considered, before the present step was proposed.

MR. K. NARAYANAPERUMAL NADAR: Is it the honourable member's opinion that bulk of the cottage industries in the State do not use power ? Is it the honourable member's view that Travancore industries should remain in the condition in which they are at present, or that we should proceed step by step and prosper in this country ?

MR. PUTHUPALLI S. KRISHNA PILLAI: Let us take the case of an ordinary artisan who is engaged in ivory carving or metal polishing. Now when electric power is cheap the artisan with his limited means can employ ten persons, use some small machinery which may be worked with power and make a small profit. Is it the honourable member's opinion that the artisan, merely because he uses power for manufacturing purposes, should come within the Factory Law and be subject to all its rigours ? You will remember the danger which is ahead of us if the number is reduced. It will cripple rather than foster such industries. It is not yet time for us. It is even now under Clause 5, open to Government to deal with special cases.

MR. V. K.VELAYUDHAN: May I know what will be the danger if the number is reduced ?

MR. PUTHUPALLI S. KRISHNA PILLAI: It will handicap to a very large extent the small industry which we want to grow in the country. We are now legislating against the possible dangers in a factory where power is used. As I said, there is ever so many provisions in this Regulation which will be a real handicap to the small industries. Of course, in due course of time, when our industries develop, when power is used on a large scale and advance is made in the matter of improved machinery, improved human labour, conditions and control for the purpose of developing our industry will become necessary. Till that time let us be satisfied with this number. Number twenty has a charm about it. It has been adopted in British India.

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It has been accepted in Cochin and Mysore. Why should it be reduced to ten without any necessity and with the warning given by our neighbours. We cannot afford to adopt the proposal. These are the matters which the honourable members should take into consideration. When the Factories Act was under debate in the British Indian Legislature various members brought forward similar proposals to reduce the number to ten. The better opinion that prevailed then was in favour of number twenty and the decision of the Government of India on this matter was that Factory Legislation dealing with small scale industries should be enacted separately. I therefore submit that this amendment cannot be accepted.

The amendment was put to vote and lost.

MR. K. NARAYANAPERUMAL NADAR: Sir I demand a poll.

A poll was taken and the House divided as follows :—

AYES—17.

1	Mr. Kannara Gopala Panickar	10	Mr. K. Narayanaperumal Nadar
2	„ C. Jebamony Nadar	11	„ K. R. Narayanan
3	„ A. J. John	12	„ G. P. Nilakanta Pillai
4	„ K. Kesavan	13	„ A. Thanu Pillai
5	„ P. K. Kumaran	14	„ K. T. Thomas
6	„ Sahib Bahadur P. K. Kunju	15	„ T. M. Varughese
7	„ P. Kunjukrishnan	16	„ V. K. Velayudhan
8	„ M. G. Mathew	17	Sry. C. O. Ponnamma
9	„ P. Nanoo		

NOES—25.

1	Mr. Sahib Bahadur V. Chandamiah	13	" Puthupalli S. Krishna Pillai
2	Srimati K. Devaki Antharjanam	14	" C. Kumara Das
3	Mr. E. E. Pandarathil	15	" K. Madhava Kurup
4	" D. Francis	16	" C. O. Madhavan
5	" K. George	17	Srimati T. Narayani Amma
6	" M. L. Janardana Pillai	18	Mr. M. Ramiah Pillai
7	" N. John Joseph	19	" Puliyoor T. P. Velayudhan Pillai
8	" Joseph Vithayathil	20	Dr. C. R. Harler
9	" K. C. Karunakaran	21	Mr. M. Govinda Pillai
10	" T. T. Kesavan Sastri	22	" K. J. Cheriyan
11	" Kaviyoor K. K Kochukunju	23	" M. Ramachandra Rao
12	" S. Krishna Aiyar	24	" A. Gopala Menon
		25	Dr. (Mrs.) Poonen Lukose

NEUTRALS—7

1	Mr. Kottalil P. Abraham	5	Mr. Sahib Bahadur M. K. Macker Pillai
2	" M. L. D'Cruz	6	" S. Narayana Pillai
3	" T. C. Kesava Pillai	7	" Codiveetil C. Ramankunju
4	" K. P. Kochukora Tharakan		

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[Mr. K. Narayanaperumal Nadar.]

The motion was declared lost 17 voting of the amendment, 25 against and 7 remaining neutral.

MR. P. K. KUNJU: In Clause 2, sub-clause (j), line 1, substitute the word "ten" for the word "twenty", and in line 3 insert the words "or without" between the words "carried on with" and "the aid of power".

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, the first portion of that amendment is not in order. The rest relates to factories which do not use power. It will be found that the house has come to a decision on these.

MR. P. K. KUNJU: I am not moving the second portion.

MR. C. JEBAMONY NADAR: Sir, after hearing the elucidating speech of the honourable Legal Remembrancer, I move only part of my amendment. I would drop some portion of this amendment and then the form of the amendment will be—

> "in clause 2, sub-clause (j), line 4, after the word "on" add cashew nut factories, but does not include a mine subject to the operation of the Travancore Mines and Minerals Regulation".

It would then read like this—

> "Factory" means any premises including the precincts thereof whereon twenty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on cashew nut factories, but does not include a mine subject to the operation of the Travancore Mines and Minerals Regulation".

I think it is also to be conceded that, so far as this cashewnut factory is concerned, it is peculiar to Travancore and as such if you go to Section 5 that does not give a complete and effectual remedy. Government have to follow certain procedure. Government have to call for a report and wait for a time. I think if you can make this amendment, relief could be given to all.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, a point of order. If this amendment be allowed to be moved it will come into conflict wtih the decision already arrived at by the House in regard to Amendment No. 20. Amendment No 20 was to include cashewnut factories not using power with in the definition of factories. We have decided that cashewnut factory should not be so included. A factory, whether it be a cashewnut or groundnut factory, if it uses power, would come within the definition.

DEPUTY PRESIDENT: The point of order raised by the Legal Remembrancer, seems to be correct. The House has arrived at a decision and this motion cannot be allowed.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: I beg to bring this fact to the consideration of the Chair. With reference to my amendment the number 20 was changed into 15.

MR. PUTHUPALLI S. KRISHNA PILLAI: Whatever may be the number it refers to cashewnut factory not using power. If it uses power and the number is not less than twenty, then it is within the definition.

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MR. PULIYOOR T. P. VELAYUDHAN PILLAI: We expressed our opinion on the definite understanding with regard to the number and the using of power.

DEPUTY PRESIDENT: The point is whether cashewnut factories should also be included. So I rule that it cannot be reopened. The amendment is out of order.

The Assembly rose for lunch at 1 p. m. and re-assembled at 2 p. m., with the Deputy President in the Chair.

The question that Clause 2 do stand part of the Bill was put and carried and the clause was added to the Bill.

Clause 3.

The question that Clause 3 do stand part of the Bill was put and carried and the clause was added to the Bill.

Clause 4.

The question that Clause 4 do stand part of the Bill was put and carried and the clause was added to the Bill.

Clause 5.

The question that Clause 5 do stand part of the Bill was put and carried and the clause was added to the Bill.

Clause 6

The question that Clause 6 do stand part of the Bill was put and carried and the clause was added to the Bill.

Clause 7.

The question that Clause 7 do stand part of the Bill was put and carried and the clause was added to the Bill.

Clause 8.

The question that Clause 8 do stand part of the Bill was put and carried and the clause was added to the Bill.

Clause 9.

The question that Clause 9 do stand part of the Bill was put and carried and the clause was added to the Bill.

Clause 10.

MR. K. KESAVAN: Sir, in Clause 10, I move to add the following as sub-clause (8) :—

"(8) Our Government may, by notification as aforesaid, appoint for such period as they may fix, honorary non-official visitors, having no interest, either direct or indirect, in any factory or in any process or business carried on therein, or in any patent or machinery connected therewith, to enquire into and bring to the notice of Our Government, the conditions of the factories and the workmen, and the non-officials so appointed may enter any place which is or which has reason to believe to be used as a factory, or capable of being declared to be a factory under the provisions of Section 5, and inspect the premises and the plant and the occupier or the managing agent, or any other person who is in charge of the factory must supply them with such information as they require."

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[Mr. K. Kesavan.]

ഇവിടെ അവതരിപ്പിച്ചിരിക്കുന്ന ബില്ലിലെ വ്യവസ്ഥപ്രകാരം ഗവണ്മെൻറുദ്യോഗസ്ഥന്മാക്കു മാത്രമേ ഫാക്ടറികൾ പരിശോധിക്കുന്നതിനുള്ള അധികാരം കൊടുത്തിട്ടുള്ളൂ. ഫാക്ടറികൾ നടത്തുന്നവർ മിക്കവാറും മുതലാളിമാർ ആയിരിക്കുന്നതിനാൽ പരിശോധന നടത്തുന്ന ഉദ്യോഗസ്ഥന്മാർ അവരുടെ കൃത്യം ശരിയായി നിർവഹിച്ചില്ലെങ്കിൽ അതുനിമിത്തം ക്ലിക്കാക്കു വലിയ വിഷമങ്ങളുണ്ടാകുന്നതാണ്. അതുകൊണ്ടു ഫാക്ടറികൾ പരിശോധിക്കുന്നതിനു പൊതുജനങ്ങൾക്കു വിശ്വാസമുള്ള അനുദ്യോഗസ്ഥന്മാരെക്കൂടി ഗവണ്മെൻറിൽനിന്നും നാമിനേറു ചെയ്യണമെന്നാണ് ഈ ഭേദഗതികൊണ്ടു ഞാൻ ഉദ്ദേശിക്കുന്നതു്. ഫാക്ടറി നടത്തിപ്പിലുള്ള കുഴപ്പങ്ങളെപ്പറ്റി അവക്കു ഗവണ്മെൻറിന്റെ ദൃഷ്ടിയിൽ കൊണ്ടുവരാൻ സാധിക്കുന്നതാണ്. അതുകൊണ്ടു് ഇങ്ങനെ ഒരു ഭേദഗതിക്കൂടി ഈ ബില്ലിൽ ചേർക്കുന്നതു തൊഴിലാളികളുടെ താൽപ്പര്യത്തിനു അത്യന്താപേക്ഷിതമാകയാൽ ബഹുമാനപ്പെട്ട ഈ സഭമുൻപാകെ ഈ ഭേദഗതിയെ ഞാൻ അവതരിപ്പിച്ചുകൊള്ളുന്നു.

MR. P. KUNJUKRISHNAN (*Quilon cum Kottarakara*): In seconding this amendment I have to say a few words. In the interest of labour and labour conditions it is absolutely necessary that non-officials of outstanding merit and respect in society and who deserve respect from both parties should be allowed to enter such factories and the premises of such factories and make enquiries in the same way as officials have the privilege of making under this legislation. By giving such privileges to non-officials the people's view will as a matter of fact be heard, not only the official view but the people's view which is really representative of the view of the labourers. With these words I second the amendment before the House.

MR. PUTHUPALLY S. KRISHNA PILLAI: I oppose the amendment, Sir, for two reasons, one on the merits and the other for the defect in the drafting of the amendment.

Upon the merits, we have already enacted the Trade Unions Regulation; and so far as labourers are concerned, I am quite sure that no other non-official or non-official body can act with so much authority, enthusiasm and earnestness as the trade union itself. The Trade Unions Regulation has come into operation and it now depends upon the labourers themselves to form trade unions and take care of themselves. Whatever grievances they have, whatever improvements are necessary, should then and there or in proper time be brought to the notice of the authorities and remedies and redresses obtained. The constitution of non-official members as inspectors of factories would be a nuisance not only to the factory owners but to the labourers themselves.

Now, what is it that is contained in the amendment before the House? "Our Government may, by notification, appoint honorary non-official visitors having no interest, either direct or indirect, in any

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factory or in any process or business carried on therein." Now, I lay emphasis on the words—"any factory", "any process or business carried on therein." If it means that non-officials having any interest in any factory whatever in any part of Travancore or in any process whatever in any part of Travancore or in any business whatever in any part of Travancore, either direct or indirect, shall be disqualified, and if it means that those persons alone who have no interest whatsoever, either direct or indirect, in any factory in Travancore or in any business in Travancore or in any patent or other machinery in Travancore, then you would find that it would be either impossible of achievement or it would work very serious handicap or hardship to the non-official members.

MR. P. KUNJUKRISHNAN: May I know from the member whether the officials have got any interest?

MR. PUTHUPALLY S. KRISHNA PILLAI: The Inspectors appointed under this Regulation, sub-clauses (1) and (2) shall not have any interest in any concern, any manufactory or any business whatsoever in the State. It is an appointment which could be made only by Government and Government will appoint only those persons who are not disqualified under this section.

MR. P. KUNJUKRISHNAN: By this amendment, are not the people's representatives sought to be placed in the same position as the officials?

MR. PUTHUPALLY S. KRISHNA PILLAI: That question does not arise. I am now concerned with the provision contained in the amendment which says that no person having any interest in any factory or in any concern or business shall be appointed as a member of this body. Now, it does not say that he shall cease to be a representative of that body whenever during his membership he acquires an interest, direct or indirect in any factory, concern or business. Suppose a person owns a few shares in a factory which is being run here, for instance, the Thuckalai Sugars or a Coir Factory working in Alleppey. Is he a person having some interest in *a Factory*? Is he competent to be a member of this body? Again, suppose a person is appointed as a non-official visitor in some factory in Agastiswaram; but he holds a hundred shares in some factory in Alleppey. Is he not a person who has some interest, some direct interest in one factory? Is he competent to be a member of this body? Suppose, when a person is appointed as an honorary non-official he has no interest whatsoever in any concern in Travancore. Suppose we are able to choose half-a-dozen people of that sort and appoint them as non-official visitors. In course of time, suppose one or other of them wants to purchase a few shares in a manufacturing concern. It will be a direct interest he acquires. Is he to continue? If a person's relation is employed in any factory will he not become indirectly interested in the factory? Is he competent.

MR. V. K. VELAYUDHAN: Is it difficult to find out persons who have no interest in any factory?

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MR. PUTHUPALLY S. KRISHNA PILLAI: It is very difficult. For the purpose of continuing to be a member of this body a person should so conduct himself that he has absolutely nothing to do, either direct or indirect, with any business, factory or patent or other machinery used in a factory. It will be a tall order on the non-official members. Suppose a non-official member of this House who is a member of this non-official body wants to invest his money in the purchase of some shares in a factory here, is he to keep his money locked up till his term expires? Again if he becomes related to persons interested in or in charge of some factories, is he to cease to be a member of the body?

MR. P. KUNJUKRISHNAN: Is it after all a real difficulty?

MR. PUTHUPALLY S. KRISHNA PILLAI: Yes; it is a very great difficulty. We are here legislating and the language used must be definite. It must be clear and its conditions must not be impossible of performance. It must not be impossible of enforcement. Unlike the clause which deals with Inspectors, this amendment does not prescribe or lay down any condition for cessation of membership of that non-official body, immediately a member becomes interested.

Unfortunately, the amendment omits to provide for the resignation or removal of any of these non-official visitors who may have been perfectly disinterested at the outset but who may subsequently have become interested in some way or other.

The amendment further says that these non-official visitors "may enter any place which is or which has reason to believe to be used as a factory". It is not clear as to whom the expression "has reason to believe" relates.

Now, Sir, there is the chief Inspector and the other Inspectors who can exercise this power of entering into what are considered factories; the District Magistrate also can exercise the same power. I do not see why, when there are these functionaries, there should be a non-official body to exercise the same privilege of entering into any place on the pretext that it is a factory.

The amendment further says that, during such inspection by the non-official visitors, "the occupier or the managing agent, or any other person who is in charge of the factory *must supply them with such information as they require*". It will be seen, Sir, that, according to the provision, the person there is bound to supply the information asked for by the visitor even if it is found that the place is not a factory and even if such information has nothing to do with any matter covered by this piece of legislation. The non-official visitor is sought to be given the right to obtain whatever information he wants. Therefore, Sir, the amendment cannot be accepted.

Sir, trade unions have been legalised, and they have already begun to function. Under the law, Government are bound to appoint Inspectors and Chief Inspectors, all of whom have power to inspect places, and all the District Magistrates are being made ex-officio Inspectors under this enactment. In my humble opinion, Sir, it will be in the interests neither of the labour nor of Industries in general to institute non-official visitors. Further so far as I have been able to gather a similar

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provision does not occur anywhere else; at any rate, no such provision has been brought to my notice except in the case of Jails.

The amendment was put to vote and lost.

The question that clause 10 do stand part of the Bill was put to vote and carried. The clause was added to the Bill.

Clause 11.

The question that clause 11 do stand part of the Bill was put to vote and carried. The clause was added to the Bill.

Clause 12.

MR. P. K. KUNJU: I beg to move the following amendment:— In clause 12, after sub-clause (1) insert the following as sub-clause (2) and re-number the sub-clause (2) as (3):—

"(2) No person shall be appointed as a certifying surgeon under sub-section 1 or having been so appointed shall continue to hold the office of a certifying surgeon who is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith."

MR. KUNJUKRISHNAN: I second it.

MR. PUTHUPALLI S. KRISHNA PILLAI: I oppose the amendment. Sir, in the draft Bill presented to the Indian Legislative Assembly there was a provision similar to the present amendment. The Select Committee after considering all aspects of the question rejected it. The provision was again brought forward in the Assembly, and there also the majority rejected it. I hope that the reasons which appealed to the majority of the Indian Assembly will be acceptable to the honourable members of this House also.

I may point out to the House that these certifying surgeons are not appointed solely for the purpose of certifying adolescence; it is the ordinary doctors employed in Government Service or carrying on private practice that are to be appointed as certifying surgeons. Certainly, it will not be possible for any Government to secure the services of competent surgeons solely for the purpose of this certification. Therefore, it is not right that, for this purpose, we disqualify surgeons who are or become directly or *indirectly* interested in a factory. According to this amendment, even if the wife of the surgeon holds shares in a factory, he is disqualified from being a certifying surgeon on the ground that he is interested; because, the word 'indirectly' is there. Certainly that word is very elastic and may be extended practically to all the surgeons available. If, for instance, any of the principal employees or employees in a factory happens to be a patient of a particular doctor, he may be disqualified on the ground that he is indirectly interested. Certainly, Sir, it will be very difficult to secure the services of any doctor for certification, unless we appoint full time surgeons solely for this purpose. On the one hand, it will be too expensive to appoint special surgeons who shall have no other function except certification and the cost involved will not be commensurate with the advantages

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[Mr. Puthupalli S. Krishna Pillai.]

derived. This is especially so when we think of a separate certifying surgeon for each taluk or locality. It will be realised that *whenever* a labourer wants his child who has completed twelve years to enter the services in a factory, he should be able to secure this certification by a surgeon. This is possible only if these certifying surgeons are always available. There is no question of our being content with just one or two certifying surgeons for the whole State, because you cannot expect a poor labourer to wait indefinitely merely because a certifying surgeon is not available to certify as to the age of his son who is to be admitted into a factory.

On the other hand, after all, what is going to happen if the certifying surgeon is or becomes interested in some factories in the State?

It will be seen that the evil arising from that, *i. e.*, the evil of certifying a child who has not become mature and is not fit to become a labourer, redounds not on the labourer entirely, but also on the factory owner. If a child were really 12 years or more, the amount of labour that he will be able to turn out would be greater than a child who has not attained that age. If the fear is that a certifying surgeon may issue a false certificate stating that an immature child has become mature in interested cases, let us see who are materially affected. The factory owner suffers much on account of inefficient labour, and the disadvantage is to the factory. The other point is that the child suffers. My question is, in whose interest is a false certificate granted. If the parents do not take their children before the age of 12 for certifying, then the question of certificates by an interested surgeon does not arise. If however, a false certificate is issued as a result of any interest in the factory, then that factory will suffer. In either case the probabilities are not so great as to demand special notice. The proposed amendment becomes unnecessary considering all aspects of the problem.

The amendment was put to vote and lost.

MR. P. K. KUNJU: Sir, I demand a poll. A poll was taken with the following result.

AYES—18.

1	Mr. Kannara Gopala Panickar.	10	Mr. K. Narayanaperumal Nadar.
2	„ C. Jekumony Nadar.	11	„ K. R. Narayanan.
3	„ A. J. John.	12	„ G. P. Nilakanta Pillai.
4	„ K. Kesavan.	13	„ P. J. Sebastian.
5	„ P. K. Kumaran.	14	„ A. Thanu Pillai.
6	„ Sahib Bahadur P. K. Kunju.	15	„ K. T. Thomas.
7	„ P. Kunjukrishnan.	16	„ T. M. Varghese.
8	„ P. Nanoo.	17	„ V. K. Velayudhan.
9	„ N. Narayana Kurup.	18	Srimati C. O. Ponnamma.

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NOES—34.

1	Mr. P. C. Adichan.	17	Mr. N. Ramakrishna Pillai.
2	Sahib Bahadur V. Chandamiah	18	,, Codiveetil C. Raman kunju.
3	Srimathi K. Devaki Antharjanam.	19	,, M. Ramiah Pillai.
4	Mr. E. E. Pandarathil.	20	,, P. Sivarama Pillai.
5	,, D. Francis.	21	,, M. Sivathanu Pillai.
6	,, K. George.	22	,, E. P. Varghese.
7	,, M. L. Janardana Pillai.	23	,, Puliyoor T. P. Velayudhan Pillai.
8	,, N. John Joseph.	24	,, P. Vivekanandam.
9	,, K. C. Karunakaran.	25	Dr. C. R. Harler.
10	,, T. C. Kesava Pillai.	26	Mr. C. O. Madhavan.
11	,, T. T. Kesavan Sastri.	27	,, M. Govinda Pillai.
12	,, Kaviyoor K. K. Kochukunju	28	,, K. J. Cheriyan.
13	,, S. Krishna Aiyar.	29	, M. Ramachandra Rao.
14	,, R. Narayanan Namboori.	30	,, Puthupalli S. Krishna Pillai.
15	Srimati T. Narayani Amma.	31	,, A. Gopala Menon
16	Mr. Kainikara M. Padmanabha Pillai.	32	,, K. Madhava Kurup.
		33	Dr. (Mrs.) M. Poonen Lukose.
		34	Mr. C. Kumara Das.

NEUTRALS—3.

1	Mr. Kottalil P. Abraham.		
2	,, M. Kesava Panickar.	3	Mr. S. Narayana Pillai.

The motion was declared lost—18 voting for, 34 against and 3 remaining netural.

The question that clause 12 do stand part of the bill was then put to vote and carried.

The clause was added to the bill.

The question that clause 13 do stand part of the bill was next put to vote and carried.

The clause was added to the bill.

Clause 14.

MR. E. P. VARGHESE: Sir, I beg to move the following amendment:

In clause 14, add the following as sub-clause (1) and re-number the other sub-clauses.

"(1) Every factory shall afford sufficient protection for the workers from sun and rain."

This clause comes under the Chapter entitled "Health and safety". This amendment would add to the health and safety of the labourer. The first protection that we would afford to the workers is from sun and rain. The definition of a factory does not say specifically that it is a

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[Mr. E. P. Varghese.]

building. Any premises including the precincts there of is not expected to include always a building. So, I think my amendment fits in clause 14. It is simple and self-explanatory.

MR. P. K. KUNJU: I second it.

MR. PUTHUPALLI S. KRISHNA PILLAI: I oppose the amendment. It is not to be understood that I am against affording protection to a labourer. Certainly not. In Clause 33, there is a provision relating to this subject. It says—

> "Our Government may make rules requiring that in any specified factory, wherein more than one hundred and fifty workers are ordinarily employed, an adequate shelter shall be provided for the use of the workers during periods of rest, and such rules may prescribe the standards of such shelters."

It is under this provision, that rules are framed for the erection of what are called lean to sheds for taking rest during periods when they have no work. If the proposed provision is adopted, it will bring about a state of affairs not consistent with the proper working of factories. When in the proposed clause it is said "that every factory shall afford sufficient protection for the workers....." it would mean that, in every factory where there is a worker, he should have sufficient protection against sun and rain. There are certain occupations which have to be done in the sun, which may be done in rain and which could not be done except in a covered place. Thus there are three different kinds of occupations. Take the case of a rice mill. For boiling paddy, a covered shed would suffice. It has to be exposed after that to the sun to get the same dried up. For that, a worker has to take it to an open space. Every half an hour or so such a process may become necessary. Then what will be the effect of such a provision as suggested by Mr. E. P. Varghese.

MR. E. P. VARGHESE: Does my amendment go to such an extent?

MR. PUTHUPALLI S. KRISHNA PILLAI: It leads to that. Provisions relating to the construction of sheds are embodied in Clause 33 (1). By the inclusion of the member's amendment it would mean that no labourer shall work when it rains. It says that "sufficient protection shall be afforded....." The definition of the word 'factory' means "any premises including the precincts thereof."

The member says that operations cannot be carried on within the precincts unless sufficient protection is made not to the industry, but to the worker. The word sufficient goes along with the worker. That is objec ionable. If it governs the industry, I could appreciate the amendment. The member wants to afford sufficient protec ion to the labourer. According to Section 33, in every factory the question of affording necessary protection is insisted on in regard to a worker during periods of work and rest. A similar question arose in regard to a mill engaged in the manufacture of cloth, where manufacture is done within the factory, but bleaching is done within the precincts. After

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bleaching" the cloth should be exposed to the sun. So, while bleaching process and drying process have to take place, the question arose whether sheds are necessary for the workers. It was settled that if any occupation was done in the sun, the labourers can take rest in sheds constructed for the purpose.

MR. K. P. ABRAHAM: Suppose in a factory there are more than 150 workers who are exposed to the sun in the discharge of that work, what will be done?

MR. PUTHUPALLI S. KRISHNA PILLAI: Rules framed under Section 33 will protect any number of workers. Therefore, I think the amendment is not necessary.

MR. M. L. JANARDANAN PILLAI: Sir, I oppose the amendment. As pointed out by the Legal Remembrancer some work will have to be necessarily done by the labourers under the sun. In the case of coir yarn, for instance, it has to be exposed to the sun, so as to get dried when it may be weighed and value assessed. Drying up process has to be done by the workers remaining in the sun for some time. If Mr. E. P. Varghese's suggestion has to be carried out, it will mean that sheds will have to be provided for the worker over the material dried and then it is not possible to get the materials dried. In the result, the industry must suffer. Mats have to be exposed to the sun. Much difficulty will be experienced by factory owners if such a provision is inserted.

MR. E. P. VARGHESE: Is it the idea of the member that a labourer who watches the drying up of the coir yarn should expose himself to the sun always till the drying up process is complete?

MR. M. L. JANARDANAN PILLAI: It is not necessary at all. But according to this amendment it would mean that "every factory shall afford sufficient protection for the workers from sun and rain." It may be alright when the amendment is suggested. But later on when the provisions of the Regulation are put into actual operation it will lead to practical difficulties. If an Inspector finds that a worker has been in the sun for say an hour then the factory owner can be found fault with and proceeded against. According to this amendment protection must be afforded to the worker.

MR. E. P. VARGHESE: If the worker is standing in the sun of his own accord then it is not the fault of the factory owner.

MR. M. L. JANARDANAN PILLAI: But the amendment as it is, if carried into effect, will lead to several complications. It will be impossible according to this amendment to carry on the industry. The requirements of the industry are such that it is impossible to carry on its work by providing protection for the workers.

MR. M. SIVATANU PILLAI: May I know whether the factory owner has any objection to supply the worker with an umbrella?

MR. M. L. JANARDANAN PILLAI: It will be impossible for a factory to carry on if this amendment is accepted. It will be impracticable in its working. It will afford no convenience to the labourer

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[Mr. M. L. Janardhana Pillai.]

himself because he will not be able to earn his wage if he is allowed to have a pandal erected over the area where the coir yarn or other material is spread. That applies to the bleaching or spinning mill also. Therefore I oppose the amendment because it is impracticable in its working.

MR. E. P. VARGHESE: I certainly do not understand the force of the argument advanced against my amendment. The amendment only means that every factory should afford sufficient protection for the workers from sun and rain. In the instance cited by Mr. M. L. Janardhanan Pillai, if the coir yarn is to be exposed to the sun it is not necessary that the worker also should stand in the sun all the time. He may be provided with some protection if he wants. It does not mean that protection must be provided even if he does not want it. It must be available. I think the purport of the amendment is far different. My intention in moving this amendment is that since the definition of factories does not include any building I thought it necessary that there should be a provision so that the factory owners may not take advantage of the definition and cause inconvenience to the workers. Suppose the factory owner does not provide any shelter at all; still such factories will be within the definition of factories. It is to avoid such a contingency that I suggested an amendment like this. Section 33 as has been pointed out by one honourable member does not serve the purpose. I do not think my amendment is so absurd as it has been tried to be interpreted. I think every factory should provide sufficient protection from sun and rain. Any reasonable man can understand that the worker in the factory should not suffer for want of protection from sun and rain. I only wanted to remove a deficiency that I noticed in the Bill.

The amendment was put to vote and lost.

MR. E. P. VARGHESE: I demand a poll. A poll was taken and the House divided as follows:—

AYES—22.

1	Mr. Kottalil P. Abraham.	12	Mr. K. Narayanaperumal Nadar.
2	,, Kannara Gopala Panickar.	13	,, K. R. Narayanan.
3	,, C. Jebamony Nadar.	14	,, G P. Nilakanta Pillai.
4	,, A. J. John.	15	Sry. C. O. Ponnamma.
5	,, K. Kesavan.	16	Mr N. Ramakrishna Pillai.
6	,, P. K. Kumaran.	17	,, P. J. Sebastian.
7	Sahib Bahadur P. K. Kunju.	18	,, A. Thanu Pillai.
8	Mr. P. Kunjukrishnan.	19	,, K. T. Thomas.
9	,, M. G. Mathew.	20	,, E. P. Varghese.
10	,, P. Nanoo.	21	,, T. M. Varughese.
11	,, N. Narayana Kurup.	22	,, V. K. Velayudhan.

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NOES 29.

1	Mr. P. C. Adichan.	16	Mr. Kaviyoor K. K. Kochukunju.
2	Sahib Bahadur V. Chandamiah.	17	,, S. Krishna Aiyar.
3	Mr. S. Chattanatha Karayalar.	18	,, Puthupalli S. Krishna Pillai.
4	,, K. J. Cheriyan.	19	,, C. Kumara Das.
5	Sry. K. Devaki Antharjanam.	20	,, K. Madhava Kurup.
6	Mr. E. E. Pandarathil.	21	,, C. O. Madhavan.
7	,, D. Francis.	22	,, R. Narayanan Namboori.
8	,, K. George.	23	Sry. T Narayani Amma.
9	,, Gopala Menon.	24	Mr. Kainikara M. Padmanabha Pillai.
10	,, M. Govinda Pillai.	25	Dr. (Mrs.) Poonen Lukose.
11	Dr. C. R. Harler.	26	Mr. M. Ramachandra Rao.
12	Mr. M. L. Janardhanan Pillai.	27	,, P. Sivarama Pillai.
13	,, N. John Joseph	28	,, M. Sivathanu Pillai.
14	,, K. C. Karunakaran.	29	,, P. Vevakanandam.
15	,, T. T. Kesavan Sastri.		

NEUTRALS—4.

1	Mr. M. Kesava Panickar.	3	Mr. S. Nilakanta Pillai.
2	,, T. C. Kesava Pillai.	4	,, Puliyoor T. P. Velayudhan Pillai.

The motion was declared lost—22 voting for, 29 against and 4 remaining neutral.

Clauses 14 to 18.

The question that clauses 14 to 18 do form part of the Bill was put and carried.

The clauses were added to the Bill.

Clause 19.

MR. P. K. KUNJU: I move that—

"After Clause 19, insert the following as Clause 20 and renumber the subsequent Clauses accordingly:—

"20. In every factory where ten or more women with children are employed creches shall be provided."

MR. K. KUNJUKRISHNAN: I second the motion.

MR. PUTHUPALLI S. KRISHNA PILLAI: Clause 33 (2) (*a*) and (*b*) make provision for this purpose.

"Our Government may also make rules—

(*a*) requiring that in any specified factory, wherein more than fifty women workers are ordinarily employed a suitable room shall be reserved for the use of children under the age of six years belonging to such women, and

(*b*) prescribing the standards for such rooms and the nature of the supervision to be exercised over the children therein."

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[Mr. Puthupalli S. Krishna Pillai.]

Under this provision if in a factory there are more than 50 women workers employed in one day provision will be made for the reservation of a room for the children belonging to the women and rules have to be framed prescribing the standard for such rooms and the nature of the supervision to be exercised over the children therein. The honourable member proposes that if there are 10 or more women workers employed in a factory immediately it shall be provided with creches for their children. In the first place it is not enough if a cradle is given. A nurse or other person has to be appointed to feed and to supervise the children during the working hours of the mother. It involves large running cost. The Law says, where there are 50 females employed, certain arrangements shall be made. The proposal was brought up before the Select Committee, when it was considered and rejected. The Select Committee thought that under the existing circumstances the provision in section 33 (2) would be enough. I have been looking up the Directory for information regarding factories where women are employed. In almost all the factories about which information is available, I find that wherever there are females there are more than 50 and so far as the factories under the existing Regulation are concerned, I can with certainty assure that after this enactment provision will be made for the reservation of rooms for the use of women working there. When the number is reduced probably conditions will have to be enquired into. The provision contained in section 33 is based on the majority opinion of the Royal Commission.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: Is not the existing provision more beneficial to the women workers because it says that even without Children if there are 50 women workers some provision will have to be made?

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes, it is so. The provision contained in Clause 33 sub-clauses (1) and (2) is ample to meet the present demand. When conditions improve and when the factories so develop we can go one step further and say that whese 20 or a lesser number of women are employed such a provision shall be made. But under the existing conditions it is not possible to support this proposal.

The Royal Commission on Labour recommended that creches shall be provided in factories which employ more than 250 females. This recommendation was based on the enormity of the probable cost, which can hardly be justified in the case of a small factory. It will not be consistent with the interests of the factories or of the labourers employed there if this amendment is accepted.

The Amendment was not pressed.

The question that Clause 19 do stand part of the Bill was then put to the vote of the House and carried. Clause 19 was added to the Bill.

The question that Clause 20 do stand part of the Bill was then put to the vote of the House and carried. Clause 20 was then added to the Bill.

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The question that Clauses 21 to 32 do stand part of the Bill was then put to the vote of the House and carried.

Clauses 21 to 32 were then added to the Bill.

Clause 33.

MR. K. KESAVAN: Sir, I move the following amendment. In clause 33, sub-clause (2) (a), line 1, delete the words "more than fifty."

ഇപ്പോൾ അവതരിപ്പിച്ചിരിക്കുന്ന ബില്ലിലെ വ്യവസ്ഥയനുസരിച്ചു അൻപതോ കൂടുതലോ സ്ത്രീകൾ ജോലിചെയ്യുന്ന വ്യവസായശാലകളിൽമാത്രം കുട്ടികളെ സൂക്ഷിക്കാൻ പ്രത്യേകം മുറികൾ ഉണ്ടായിരുന്നാൽ മതിയെന്നു കാണാവുന്നതാണു. ആ വ്യവസ്ഥ തീരെ അപര്യാപ്തമാകുന്നു. പ്രസവിക്കുന്ന ഒരു സ്ത്രീയെങ്കിലും ഒരു ഫാക്ടറിയിൽ ജോലിചെയ്യുന്നുണ്ടെങ്കിൽ, അവിടെ കുട്ടികളെ രക്ഷിക്കുന്നതിനു ഒരു പ്രത്യേകംമുറി ഉണ്ടായിരിക്കേണ്ടതു ആവശ്യമാണു്. ഒരു സ്ത്രീയെയുള്ളൂ, അതുകൊണ്ടു ആ സ്ത്രീയുടെ കുട്ടിയെ നോക്കേണ്ട ആവശ്യമില്ല, എന്നുവിചാരിക്കുന്നതു വളരെ കഷ്ടമാണു. അതിനാൽ ഞാൻ ഈ ഭേദഗതിയെ അവതരിപ്പിച്ചുകൊള്ളുന്നു.

PRESIDENT: If the honourable member wishes to carry this amendment into practical effect it must be slightly differently worded.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I oppose the amendment. It would mean that in any factory, whether it employs 20 females or one female labourer a separate room will have to be reserved for the accommodation of their children even if only one child wants protection. If it is a small factory run with a very small capital, employing say 10 women labourers and if there is only one child or half-a-dozen children, some person will have to be engaged to keep watch over them. If it is not done the children will have to be under lock and key or they will stray away and may even walk down into the factory and may fall into some pits or wander into the roads and get smashed up. So, there must be somebody to supervise them. For that purpose a female warden must be employed. So to enable a female labourer to earn a wage of 4 annas or 8 annas daily the factory owner will have to spend Rs. 15 per mensem to appoint a nurse to look after her children. Then at least something would have to be given to the children to keep body and soul together. It is not a mere reservation of a room. You are asking the factory owner to take up certain responsibilities with regard to the children. It must be consistent with his ability and the practicability of things. You cannot allow these children to be locked up in the room. So if there is one woman labourer with a child employed in the factory, the factory-owner would have to spend over Rs. 30 for the child just to enable the woman to earn Rs. $7\frac{1}{2}$ a month. Female labour will become practically impossible. Our bill has gone a step further than the Royal Commission's recommendation. We are asking the factory owner to provide a room in the factory where 50 or more females are working. More than that, it would be unwise to demand.

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MR. KOTTALIL P. ABRAHAM: Does not the clause relate to the number of women employed and not to the children?

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes, but 50 females will have a pretty good number but not so one or two. The factory owner is not expected to maintain a poor house or a charitable institution alongside his factory. We should be reasonable in our demands.

MR. K. KESAVAN: ബഹുമാനപ്പെട്ട ലീഗൽ റിമെംബറൻസർ പുറപ്പെടുവിച്ച വാദങ്ങൾ ഒട്ടുംതന്നെ തൃപ്തികരമായിരിക്കുന്നില്ല. കുട്ടികൾക്കു വേണ്ടി പ്രത്യേകം മുറികൾ ഏർപ്പാടുചെയ്യുന്നതിനു പ്രതിമാസം ₹ 60 രൂപാ ചിലവുവരുമെന്ന് അദ്ദേഹം പറയുന്നു. ആ ചിലവു ചെയ്യുന്നതിനു ഒരു ഫാക്ടറിയിൽ 60 സ്ത്രീകളിൽ കൂടുതൽ ജോലിചെയ്യുന്നപക്ഷം നിയമംമൂലം നിർബന്ധിക്കുന്നുമുണ്ട്. 60 സ്ത്രീകൾ ജോലിചെയ്യുന്ന ഒരു ഫാക്ടറിയിൽ ഒരു കുട്ടിയെ മാത്രമെ സംരക്ഷിക്കാൻ ഉള്ളുയെങ്കിൽ അപ്പോഴും ഈ ₹ 60 രൂപാ ചെലവുണ്ട്. ഒരു സ്ത്രീമാത്രമെ ജോലി ചെയ്യുന്നുള്ളു എന്നിരിക്കട്ടെ. അവൾക്ക് അഞ്ചോ ആറോ കുട്ടികൾ ഉണ്ടായി എന്നുവരാം. അതുകൊണ്ടു കുട്ടികൾക്ക് പ്രത്യേകം മുറി സംരക്ഷിക്കുന്നതിനു ജോലിചെയ്യുന്ന സ്ത്രീകളുടെ എണ്ണം ഒരു മാനദണ്ഡമാക്കുന്നതു തീരെ ശരിയല്ല.

MR. PUTHUPALLI S. KRISHNA PILLAI: ഒരു കുട്ടിയുള്ള ഒരു സ്ത്രീയെ ജോലിയിൽ നിയമിക്കണമെന്നു വിചാരിക്കുന്ന ഒരു ഫാക്ടറി ഉടമസ്ഥൻ അവളുടെ കുട്ടിക്കുവേണ്ടി ഒരു തൊട്ടിലും ഒരു പരിചാരകിയും മറ്റും ഏർപ്പെടുത്തണമെന്നു ശാസിച്ചാൽ ആ സ്ത്രീയെതന്നെ അങ്ങു വേണ്ടെന്നു വയ്ക്കുവാനല്ലെ അധികം എളുപ്പമുള്ളതു?

MR. K. KESAVAN: ഫാക്ടറി ഉടമസ്ഥന്മാരുടെ നിയമനത്തെപ്പറ്റിയല്ലാ ഞാൻ പറയുന്നതു്. ഒരു കുഞ്ഞും ₹ 0 0 കുഞ്ഞുങ്ങളും മനുഷ്യരോടു സ്നേഹമുള്ള ആളുകൾക്ക് ഒന്നുപോലെതന്നെയാണു, അതിനാൽ ഫാക്ടറിയിൽ ജോലിചെയ്യുന്നതിനു സ്ത്രീകളെ നിയമിക്കപ്പെടുന്നുണ്ടെങ്കിൽ—ഒരു സ്ത്രീയെയെങ്കിലും നിയമിച്ചാൽ—അത്തരം ഫാക്ടറികളിൽ കുട്ടികളെ സംരക്ഷിക്കുന്നതിനായുള്ള പ്രത്യേക മുറികൾ ഉണ്ടായിരിക്കേണ്ടതാണു.

MR. PUTHUPALLI S. KRISHNA PILLAI: അങ്ങനെ ചെയ്താൽ ആ സ്ത്രീക്കു ജോലി കിട്ടാതെയിരിക്കാനല്ലയൊ എളുപ്പം? പെണ്ണുങ്ങളെ നിയമിക്കണമെന്നു നിർബന്ധിക്കാൻ ഒക്കുകയില്ലല്ലൊ.

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PRESIDENT: Is the Honourable member replying or putting a question ?

MR. PUTHUPALLI S. KRISHNA PILLAI: I am putting a question.

PRESIDENT: The Honourable member will resume his seat.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, my objection to the amendment is that that the factory owner should not be made the guardian of the children of the females who work in the factories. Of course, it will be nice if they are taken care of by some monied and philanthrophist or by the State itself. We are now thinking of the condition of the employees with reference to the employer. If you lay it down as a condition that the employed women should have her children provided for during the time when she is employed in the factory it would necessarily come to this that women will be excluded from employment in small factories. The cost that is to be incurred by a factory owner is out of proportion to the benefit that he derives. In small factories where only very limited number of women are employed it will not be possible for a small factory owner to run his concern on profitable lines. But some accommodation will certainly be available for affording adequate amenities for the women and their children in the factory itself.

MR. K. KESAVAN: ഇപ്പോൾ ഫാക്ടറിയിൽ ജോലിചെയ്യാൻപോകുന്ന ചില സ്ത്രീകൾ അവരുടെ കുഞ്ഞുങ്ങൾക്കു കാവൽകൊടുത്തു മയക്കി ഇട്ടുംകൊണ്ടാണു പോകുന്നതു എന്നറിയാമോ?

MR. PUTHUPALLI S. KRISHNA PILLAI. അങ്ങിനെയെല്ലാം ചെയ്യുന്നുണ്ടെന്നു പുസ്തകത്തിലെല്ലാം കാണുന്നുണ്ട്. അതു ശരിയാണൊ എന്നു എനിക്കു അറിഞ്ഞുകൂടാ.

MR. K. KESAVAN: അങ്ങിനെ ചെയ്തതുകൊണ്ടു ചില കുട്ടികൾ മരിച്ചുപോയതായി അറിയുന്നുണ്ടു.

The motion was put to the vote and lost.

The question that Clause 33 do stand part of the Bill was put to the vote of the House and carried.

Clause 33 was added to the Bill.

Clause 34.

MR. K. NARAYANAPERUMAL NADAR: Sir, I beg to move that in Clause 34, line 1, the words "forty-eight" may be substituted for the words fifty-four" and in line 2, the words "fifty four" for the words "sixty."

Sir, the Select Committee of which I was a member which went through this Bill failed to make material changes in the body of the Bill in favour of labour. I therefore submitted my dissenting note to the report of the Committee, copies of which are available to the honourable members. So I do not propose to go into the details once again. I will however add one or two words with regard to the provisions in the Bill relating to the hours of work. The Royal Commission recommended 54 hours for the Seasonal factories and 60 hours

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[Mr. K. Narayanaperumal Nadar.]

for the non-seasonal factories, but Mr. Joshi and Dewan Chamanlal dissented from their recommendation. They based their arguments on the climatic condition of India.

In a country like Travancore the hard climate does not make it possible for an ordinary worker to turn out so much work as is being turned out in countries which are in the temperate zones. Secondly, the quality of food consumed by a labourer in Travancore or in any part of India is very poor compared with the quality of food taken by labourers in other countries. He does not know anything about the value of food. He knows not even the A, B, C, of vitamins. He is under starvation, not only in Travancore, but throught India. I should say that the ordinary labourer is underfed. That is particularly so in Travancore because it is not possible for the country to produce large quantities of its staple food. Therefore, I should think that the labourers who are not able to make the two ends meet are poverty-striken and it is not possible in our factories to turn out as much work as the Bill wants. It is therefore quite necessary that the reduction in the hours of the work should be made. Moreover, there are some kinds of work which will affect the health of labourers and result in the development of diseases like tuberculosis, etc. The History of the factories in countries of Europe show that there is an agitation to reduce the number of hours of work. In the interest of labour I submit that it is absolutely necessary that the amendment to the Bill is accepted. I thus commend the amendment to the acceptance of the House.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: Sir, I second the amendment.

MR. P. K. KUNJU: എന്റെ സ്നേഹിതൻ മി: നാടാർ അവതരിപ്പിച്ച ഭേദഗതിയെ ഞാൻ പിൻതാങ്ങിക്കൊള്ളുന്നു. ഒരു ഫാക്ടറിയിൽ ജോലിചെയ്യുന്ന വേലക്കാരനു വേണ്ടത്ര വിശ്രമം കൊടുക്കേണ്ടതു വളരെ അത്യാവശ്യമാണു്. ഒരു പകൽ ഫ മണിക്കൂറുള്ളതിൽ രാവിലെ ഫ അര മണിക്കൂർ, ഉച്ചയ്ക്കു് ഫ മണിക്കൂർ, വൈകിട്ടു ഫ അര മണിക്കൂർ ഇങ്ങനെ ർ മണിക്കൂർ ആരോഗ്യസംരക്ഷണത്തിനും വിശ്രമത്തിനുമായി അവനു കൊടുക്കണമെന്നു മാത്രമേ ഈ ഭേദഗതി ആവശ്യപ്പെടുന്നുള്ളു. ഒരു ഫാക്ടറിയും ഇന്നു രാപ്പകലില്ലാതെ വേല ചെയ്യുന്നതിനെപ്പറ്റി എല്ലാവരും പരാതിപ്പെട്ടിട്ടുള്ളതാണു. ന്യായമായും അതിനു തടയണമെന്നാണു ഈ ഭേദഗതികൊണ്ടു് ഉദ്ദേശിക്കുന്നതു്. വേലക്കാരനും നമ്മെപ്പോലെതന്നെ മനുഷ്യനാണെന്നുള്ള ധാർമ്മികതത്വം നാം വിസ്മരിക്കരുതു.

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MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I oppose the amendment. The question of the reduction of the working hours of the labourer is a question which is engaging the attention of all Governments. The forty-eight hour limit now proposed is a limit which has been recommended by the International Labour Commission. It was accepted by some countries. But in regard to India it was agreed that the forty-eight hour limit would not be adopted and it was recommended that, so far as India is concerned, the 54 hour limit should be adopted. In the existing Regulation, honourable members would have noticed that under Section 28, it is provided that in textile factories no one shall work for more than 12 hours a day. In regard to other factories there is no such stipulation, so that under the law as it stands even in textile factories, the prohibition is against work for over seventy-two hours a week. What a large advance the Bill proposes when it seeks to reduce the working hours in all factories whether textile or non-textile, from 72 to 54. Let us consider the result also. Where 72 would have been legal anything more than 54 has been made illegal. The great advantage that has been conferred on the labourers is immeasurable. But we are not yet in a position to go down to the forty-eight hour limit. In British India, the honourable members will note that it is the fifty-four hour limit that prevails, In Cochin also it is the same. Therefore, if in Travancore the forty-eight hour limit is made compulsory it will prevent the outside industrialist from establishing factories here and will eventually compel our own people to seek better conditions outside the State. The possibility of developing the State in the matter of industrial undertakings would be shut out for ever. It has been aptly put by the members of the Royal Commission on labour that a reduction in the working hours to some extent would be an advantage both to the labourer and to the factory owner because it will ensure better efficiency. But a still larger reduction does not guarantee the same result. There is a limit up to which the reduction can be permitted and justified. Under the existing circumstances the reduction from the seventy-two hour to the fifty-four hour limit may be adopted without detriment to the employer and for the ultimate benefit of the employed. This reduction will, no doubt, bring about a reduction in wages, but it is hoped that it will be compensated for by better, though gradual, increase in efficiency and consequent restoration of the wage level. But it can be asserted positively that an immediate reduction to 48 hours a week will irrevocably affect the cause of labour.

MR. E. P. VARGHESE: Is there no 48 hour limit anywhere in British India?

MR. PUTHUPALLI S. KRISHNA PILLAI: No, not anywhere. The report of the Royal Commission dealing with this question, says: "many operatives would have to face large reductions in their earnings and, while we do not doubt that part of this loss would be made good before long, we are not convinced that the operatives as a whole are in a position to regain their old standard in any reasonably short period. From

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[Mr. Puthupalli S. Krishna Pillai.]

the point of view of industry, the employer is entitled to claim, that until the worker is ready to approximate more nearly to western standards of discipline, it is unreasonable to attempt an 8 hour day, and even an 8½ hour day would involve an amount of dislocation that would be serious. It may be possible in the future, when efficiency has risen further, to go lower than 54 hours. But efficiency is not likely to be raised so surely by a sweeping reduction as by a smaller one, and there will be nothing to prevent a further reduction, if the results of the smaller change which we advocate indicate that this is desirable." This quotation from the Labour Commission Report should make honourable members realise their heavy responsibility in this matter and that however much it would be desirable from the point of view of social benefit, the proposed change to 48 hours will not be advantageous to the cause of either labour or industry. There is sure to be a reduction in wages and that reduction will be more disastrous than the reduction proposed. Already there is a fall in wages due to various economic causes. The labourers suffering has thereby increased. It will be further accentuated by the proposal if accepted. Better wages with better living conditions should be your principle. Longer rest with smaller wages is not good for the labourers. It will not be possible for our industrialists, big or small, to compete with their rivals in the neighbouring State or District.

You want to be put on the same basis as the Americans, but is your labour as efficient as theirs?

See how the proposed reduction will work out the usual out-put. The reduction to 54 will bring about reduction in wages. It will be further reduced if the amendment is passed. In a factory which employs say a thousand labourers, a reduction to the extent demanded, will immediately reduce the turnover of six thousand hours' work. It means 125 workmen more. These have to be paid for from the wages earned at present by the 1000 men in the factory. It means a reduction of 2 as. in the rupee that he now earns. He can ill afford to spare it at this moment. Several of them are working under conditions which have absolutely nothing in common with what is being obtained in Europe, America or England. The standard of efficiency is much lower. Mostly they are illiterate. The physical capacity for concentrated work is woefully poor. Though it is a laudable scheme and the social reforms will bein ecstasy, though it is one of the ideals of the labour movements accepted all over the world, the proposed reduction is not consistent with advisability or practicability. The reduction to 54 is reasonable and I hope the honourable members will withdraw the amendment. All that I have said applies with equal if not greater force to the seasonal factories as well.

The amendment was put to vote and carried.

MR. K. NARAYANAPERUMAL NADAR: Sir, I demand a poll.

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A poll was taken and the House was divided as follows :—

AYES—27.

1	Mr. P. C. Adichan	15	Mr. K. Narayanaperumal Nadar
2	,, D. Francis.	16	,, K. R. Narayanan
3	,, Kannara Gopala Panickar	17	,, S. Nilakanta Pillai
4	,, C. Jebamony Nadar	18	,, N. Ramakrishna Pillai
5	,, A. J. John	19	,, P. J. Sebastian
6	,, K. Kesavan	20	,, A. Thanu Pillai
7	,, M. Kesava Panickar	21	,, K. T. Thomas
8	,, K. P. Kochuk ra Tharakan	22	,, E. P. Varghese
9	,, P. K. Kumaran	23	,, T. M. Varughese
10	,, Thariathu Kunjithommen	24	,, V. K. Velayudhan
11	Sahib Bahadur P. K. Kunju	25	,, Puliyoor T. P. Velayudhan
12	Mr. P. Kunjukrishnan	26	Srimathy C. O. Ponnamma
13	,, K. G. Kunjukrishna Pillai	27	Mr. M. G. Mathew
14	,, P. Nanoo		

NOES—23.

1	Sahib Bahadur V. Chandamiah	13	Sahib Bahadur M. K. Mackar Pillai
2	Mr. S. Chattanatha Karayalar.	14	Mr. M. Sivathanu Pillai
3	,, E. E. Pandarathil	15	,, E. Subramonia Aiyar
4	,, K. George	16	Dr. C. R. Harler
5	,, M. L. Janardana Pillai	17	Mr. M. Ramachandra Rao
6	,, Joseph Vithayathil	18	Dr. (Mrs.) Ponnen Lukose
7	,, K. C. Karunakaran	19	Mr. M. Govinda Pillai
8	,, T. C. Kesava Pillai	20	,, K. J. Cheriyan
9	,, T. T. Kesavan Sastri	21	,, A. Gopala Menon
10	,, Puthupalli S. Krishna Pillai	22	,, S. Krishna Aiyar.
11	,, K. Madhava Kurup	23	,, C. Kumaradas
12	,, C. O. Madhavan		

NEUTRALS—9.

1	Mr. Kottalil P. Abraham	6	Mr. G. P. Nilakanta Pillai
2	,, M. L. D'Cruz	7	,, Kainikara M. Padmanabha Pillai
3	Srimati K. Devaki Antharjanam	8	,, M. Ramiah Pillai
4	Mr. S. Narayana Pillai	9	,, P. Sivarama Pillai
5	Srimati T. Naryani Amma		

The amendment was declared carried, 27 voting for, 23 against and 9 remaining neutral.

ADJOURNMENT MOTION—RE THE INSECURITY OF PERSON AND PROPERTY IN THE STATE.

PRESIDENT : The House will now take into consideration the Adjournment Motion.

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